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9 *Attorneys for Plaintiff*

8 **UNITED STATES DISTRICT COURT**
9
10 **DISTRICT OF NEVADA**

10 CARL CORCORAN,
11
12 Plaintiff,
13 vs.

Case No.: 2:14-cv-01508-JCM-GWF

13 WAL-MART STORES, INC.; DOE
14 EMPLOYEE; DOES 1-20; ROE
15 CORPORATIONS 1-20; inclusive,
16 Defendants.

STIPULATION AND
ORDER TO AMEND COMPLAINT

17 IT IS HEREBY STIPULATED by and between Plaintiff, CARL CORCORAN
18 ("Plaintiff"), and Defendant WAL-MART STORES, INC. ("Defendant"), through their

19 ///

20 ///

21 ///

1 respective counsel of record, that Plaintiff be permitted to file the First Amended Complaint,
2 attached hereto as Exhibit "1".

3 Dated this 25th day of February 2015.

Dated this 25th day of February 2015.

5 **CLOWARD HICKS & BRASIER,**
6 **PLLC**

PHILLIPS, SPALLAS & ANGSTADT
LLC

8 /s/ Jonathan R. Hicks, Esq.
9 JONATHAN R. HICKS, ESQ.
Nevada Bar No. 9584
10 721 South Sixth Street
Las Vegas, NV 89101
11 *Attorneys for Plaintiff*

/s/ Breane P. Stryker, Esq.
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Fax: (702) 938-1511
Attorneys for Defendant

15 **IT IS SO ORDERED:**

17 
UNITED STATES DISTRICT JUDGE

19 DATED: February 26, 2015
20 _____

EXHIBIT “1”

1 JONATHAN R. HICKS, ESQ.
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8 **UNITED STATES DISTRICT COURT**
9
10 **DISTRICT OF NEVADA**

10 CARL CORCORAN,
11
12 Plaintiff,
13 vs.

Case No.: 2:14-cv-01508-JCM-GWF

PLAINTIFF'S AMENDED
COMPLAINT

14 WAL-MART STORES, INC.; SOUTHERN
15 WINE & SPIRITS OF AMERICA, INC; DOE
16 EMPLOYEE; DOES 1-20; ROE
17 CORPORATIONS 1-20; inclusive,
18 Defendants.

19 COMES NOW Plaintiff, CARL CORCORAN, by and through his attorney,
20 JONATHAN R. HICKS, ESQ., of the CLOWARD HICKS & BRASIER PLLC, and for his
21 causes of action against Defendants, and each of them, allege as follows:

22 **JURISDICTION**

23 1. At all times relevant to these proceedings, Plaintiff, CARL CORCORAN
24 (hereinafter referred to as "Plaintiff") is and was a resident of Clark County, Nevada.

25 2. That at all times relevant to these proceedings, Defendant, WAL-MART
26 STORES, INC. (hereinafter referred to as "WAL-MART"), was and is a Delaware corporation,
27 duly authorized to conduct business in the County of Clark, State of Nevada.
28

1 3. That at all times relevant to these proceedings, Defendant, SOUTHERN WINE
2 & SPIRITS OF AMERICA, INC. (hereinafter referred to as "SOUTHERN WINE"), was and
3 is a Florida corporation, duly authorized to conduct business in the County of Clark, State of
4 Nevada.

5 4. That at all times relevant to these proceedings, Defendant, DOE EMPLOYEE
6 (hereinafter referred to as "DOE EMPLOYEE"), was and is a resident of Clark County,
7 Nevada.
8

9 5. That the true names and capacities, whether individual, corporate, associate or
10 otherwise, of the Defendants DOES and/or ROE CORPORATIONS 1 through 10 inclusive,
11 are presently unknown to the Plaintiff who therefore sues said Defendants by such fictitious
12 names. Plaintiff is informed and believes and therefore alleges that the Defendants designated
13 herein as DOE and/or ROE are legally responsible in some manner for the events and
14 happenings herein referred to, and legally and proximately caused injuries and damages
15 thereby to Plaintiff as herein alleged. Plaintiff requests leave of the Court to amend this
16 Complaint to specify these Doe Defendants when their identities become known.

17 6. At all material times, Defendants, and each of them, were individuals and/or
18 entities who were and are agents, masters, servants, employers, employees, joint ventures,
19 representatives and/or associates, and with the consent, knowledge, authorization, ratification
20 and permission of each other. At all times relevant hereto, Defendants, and each of them,
21 engaged in concerted acts and/or were responsible for the acts and/or omissions of themselves
22 and each other Defendant and held a special relations with Plaintiff and with the other
23 defendants, non-delegable in nature, and subject to a peculiar and high risk of harm for breach
24 thereof. Plaintiff alleges that at least one of the Doe Defendants is believed to be the employee
25 responsible for the protocol, maintenance and cleaning, security, safety and/or supervision of
26 the area at issue. Plaintiff requests leave of the Court to amend this Complaint to specify the
27 Doe Defendants when their identities become known.
28

1 7. That the Defendants, and each of them, are the agents, employees and/or
2 contractors of the other Defendants, and were acting within the scope of their agency,
3 employment and/or contract at the time and place described herein.

5 8. Plaintiff is informed and believes, and based upon such information and belief,
6 alleges, that Defendants, DOE and/ROE CORPORATIONS 1 through 10, and each of them,
7 resided, were employed and/or did business in Clark County. Defendants designated as DOE
8 and/or ROE CORPORATIONS 11 through 20, are in some manner, responsible for the
9 occurrences and injuries sustained by Plaintiff, as alleged herein.

10 9. At all times mentioned Defendants, including Doe Defendants, were the
11 designers, contractors, maintainers, owners, managers, inspectors, supervisors, cleaners and
12 controllers of the premises and common areas generally known as "WAL-MART" located at
13 8060 West Tropical Parkway, Las Vegas, Nevada.

14 10. This Court has jurisdiction over the Defendants, as Defendants are Nevada
15 residents, Nevada Corporations and/or foreign corporations conducting business in the state of
16 Nevada. Furthermore this case involves damages in an amount in excess of \$10,000.00. Venue
17 is proper in Clark County, State of Nevada as said incident and conduct of the Defendants
18 occurred with Clark County, State of Nevada.

19 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

20 11. On or about October 15, 2012, Plaintiff was a patron and/or invited guest at the
21 premises owned, designed, operated, maintained, managed and/or controlled by the
22 Defendants, and each of them, which are located at 8060 West Tropical Parkway, Las Vegas,
23 Nevada.

24 12. That while on said premises, Plaintiff slipped and fell hard to the ground, while
25 walking in the wine section, causing him to suffer serious injuries to his body as a result of a
26 wine on the floor.

27 13. That upon information and belief, the slippery floor was caused and/or created
28 by the negligence of some or all of the named Defendants, including the DOE and ROE
Defendants and/or the employee(s) and/or agent(s) of said Defendants.

1 14. That upon information and belief, some or all of the named Defendants,
2 including the DOE and ROE Defendants and/or the employee(s) and/or agent(s) of said
3 Defendants, knew or should have known of the slippery floor and that hazard and dangerous
5 condition and risk of harm if presented to unsuspecting guest like Plaintiff.

6 15. That some or all of the named Defendants, including the DOE and ROE
7 Defendants and/or employee(s) and/or agent(s) of said Defendants, failed to rectify the slippery
8 floor/dangerous condition. These same Defendants also failed to warn Plaintiff of the slippery
9 condition of the floor prior to Plaintiff slipping and falling.

10 **FIRST CAUSE OF ACTION**
11 **(Negligence)**

12 16. Plaintiff hereby repeats, re-alleges and incorporates by reference each and every
13 allegation set forth in the above paragraphs as though each were set forth herein verbatim.

14 17. The negligence and carelessness of the Defendants, and each of them, includes,
15 but are not limited to, the following: (a) failure to properly inspect, maintain and/or control the
16 premises, so as to prevent unreasonably dangerous; (b) failure to warn Plaintiff of the existing
17 dangers; (c) failure to use feasible and reasonable means to avoid hazards; and (d) failure to
18 instruct, train, control and /or supervise employees, and prevent them from causing and or
19 preventing dangerous conditions.

20 18. As a result of the above described incident, Plaintiff suffered injuries to areas of
21 his body, necessitating medical treatment for injuries, all of which conditions may be
22 permanent and disabling in nature, and all to her general damages to be shown at time of trial,
23 but in excess of \$10,000.00.

24 19. As a result of the above described incident, Plaintiff experienced physical and
25 mental pain and suffering, both past and future, in an amount to be shown at time of trial, but
26 in excess of \$10,000.00.

27 20. Plaintiff suffered general damages, including pain, suffering, permanent
28 disability, both past and future in an amount to be shown at time of trial, but in excess of
\$10,000.00.

1 21. That prior to the injuries sustained and complained of herein, Plaintiff was an
2 able-bodied person physically capable of engaging in all other activities for which she was
3 otherwise suited.

5 **SECOND CAUSE OF ACTION**
6 **(Vicarious Liability)**

7 22. Plaintiff incorporates by this reference each and every allegation previously
8 made in this Complaint, as if here fully set forth.

9 23. The named Doe Defendants were agents and/or employees of Defendants, and
10 that at all times relevant herein were acting within the course and scope of such agency and/or
11 employment and as such each said Defendant shall be liable to Plaintiff for Plaintiff's injuries
12 and damages pursuant to Nevada law including, but not limited to, NRS 41.130 all in an
13 amount in excess of \$10,000.00.

14 DATED this ____ day of February 2015.

15 **CLOWARD, HICKS, BRASIER, PLLC**

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17 _____
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22 *Attorneys for Plaintiff*
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the ____ day of _____ 2015, I served a copy of the foregoing **PLAINTIFF'S AMENDED COMPLAINT** by the CM/ECF electronic filing system of the United States District Court for the District of Nevada, which is automatically sent to the following individuals, by electronic mail, and by placing said copy in a sealed envelope, postage fully prepaid, and mailing it via United States Postal Service, first class, to the following:

Breane P. Stryker, Esq.
Brenda H. Entzminger, Esq.
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